HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 24 of 2005 (SS)

Vijay Kumar Upreti s/o Sri U.P. Upreti Class III employee in Rural Engineering Service, Almora ..... Petitioner

Versus

1. State of Uttaranchal
2. Chief Engineer, Rural Engineering Service , Uttaranchal
3. Superintending Engineer, R.E.S. Kumaon Division, Nainital
4. Executive Engineer, R.E.S. Nainital Division, Nainital
5. Executive Engineer, R.E.S. Bageshwar.
6. Executive Engineer, R.E.S. Champawat.
7. Executive Engineer, R.E.S. Almora..... Respondents

Ms. Menka Tripathi Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 28.2.2006

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties at length.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 14.12.2004.

Briefly stated the petitioner has been working on daily wages in the respondent Rural Engineering Service on a class III post. In the year 1994 the petitioner was not allowed to work. Against that order dated 29.4.1994, the petitioner has filed a writ petition before Allahabad High Court, Lucknow Bench and the court vide order dated 29.4.19994 directed the respondents to permit the petitioner to work and pay him

salary. The respondents have again terminated the service of the petitioner vide order dated 30.9.2001 the operation of this order has been stayed by this Court vide order date 19.10.2001.

The grievance of the petitioner is that despite 20 years service in the respondent department is not considering him for regularization and vide order dated 14.12.2004 express its desire to fill up the post by direct recruitment.

In view of above, liberty is given to the petitioner to file a fresh representation before the respondents' authority within 15 days after obtaining certified copy of this order, which shall be decided within three months thereafter by a reasoned order.

Accordingly, the writ petition is allowed. No order as to costs.

Dated: 28.2.2006 **Rajesh Tandon, J.**

* Dhyani